

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ALLEN BENNET,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 09-cv-175-DRH
)	
DONALD A. HULICK,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Petitioner, a prisoner proceeding *pro se*, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254. Petitioner has not yet paid the \$5 filing fee for this action, nor has he filed a properly supported motion for leave to proceed *in forma pauperis*. See 28 U.S.C. §§ 1914, 1915.

IT IS HEREBY ORDERED that, within **THIRTY (30) DAYS** of the date of the entry of this order, Petitioner shall pay the \$5 filing fee applicable to this action. In the alternative, Petitioner may file a motion to proceed *in forma pauperis*, supported by a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the complaint and an affidavit that includes a statement of his assets. Petitioner is **ADVISED** that in the event he has been transferred among institutions during this six-month period, it is Petitioner's responsibility to obtain a copy of his prison trust account statement from each such facility and to forward it to the Court. Petitioner is **FURTHER ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed; such an obligation will exist whether or not Petitioner is granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1915(b)(1); *see also Lucien v. Jockisch*,

133 F.3d 464, 467 (7th Cir. 1998).

IT IS FURTHER ORDERED that upon conclusion of this thirty-day period, should Petitioner fail to comply with this order, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally* *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

IT IS SO ORDERED.

DATED: March 5, 2009

/s/ David R. Herndon

DISTRICT JUDGE